

EXHIBIT 1

FILED
10-20-2021
Clerk of Circuit Court
Eau Claire County, WI
2021CV000461
Honorable Michael A
Schumacher
Branch 2

STATE OF WISCONSIN
CIRCUIT COURT
EAU CLAIRE COUNTY

TAMMY J. ANGELL
3321 Sundet Road
Eau Claire, WI 54703

Plaintiff

v.

Case No.
Case Code: 30107
Case Type: PI-Other

WALMART, INC.
CT Corporation System
301 S. Bedford Street, Suite 1
Madison, WI 53703

GROUP HEALTH COOPERATIVE OF EAU CLAIRE
Peter Farrow
Group Health Cooperative of Eau Claire
2503 N. Hillcrest Parkway
Altoona, WI 54720

Defendants

COMPLAINT

Plaintiff alleges and complains as follows:

1. Plaintiff Tammy J. Angell resides at 3321 Sundet Road, Eau Claire, Wisconsin 54703.
2. Defendant Walmart, Inc. is a self-insured entity whose registered agent is CT Corporation System, 301 S. Bedford Street, Suite 1, Madison, Wisconsin 53703.
3. Defendant Group Health Cooperative of Eau Claire, an entity whose registered agent is Peter Farrow at Group Health Cooperative of Eau Claire, 2503 N. Hillcrest Parkway, Altoona, Wisconsin 54720, paid health care expenses and claims to be subrogated to Plaintiff's rights for health care payments.
4. On July 25, 2020, in Eau Claire County, Wisconsin, Plaintiff Tammy J. Angell was burned by a Mainstays Warm Apple Pie candle she had purchased at Walmart.
5. The Mainstays Warm Apple Pie candle was being used for its intended purpose at the time the Plaintiff Tammy J. Angell was injured.

FIRST CAUSE OF ACTION - NEGLIGENCE

6. Defendant Walmart, Inc. was negligent in the design, construction, lack of warning, and manufacture of the Mainstays Warm Apple Pie candle.

SECOND CAUSE OF ACTION - STRICT LIABILITY

7. The Mainstays Warm Apple Pie candle was in a defective condition when it left the possession and control of Defendant Walmart, Inc. it had not been substantially changed at the time of the injury to the Plaintiff Tammy J. Angell, and the Mainstays Warm Apple Pie candle was unreasonably dangerous.

THIRD CAUSE OF ACTION - BREACH OF WARRANTY

8. The Defendant Walmart, Inc. breached its expressed and implied warranties in respect to the Mainstays Warm Apple Pie candle.

9. As a proximate result of Defendant's negligence, Plaintiff Tammy J. Angell suffered personal injuries and has been damaged.

WHEREFORE, judgment is demanded as follows:

- (1) against the Defendants for damages and other relief in accordance with the allegations of the complaint;
- (2) dismissing parties who may have claims based on subrogation or a right to reimbursement, and barring such parties from participating in any judgment or settlement in this action; and
- (3) for costs, interest and such other relief the court deems just and proper.

Dated this 20th day of October, 2021.

BYE, GOFF & ROHDE, Ltd.

Electronically signed by Jeffrey A. Muszynski

By: Jeffrey A. Muszynski, #1074414
Attorneys for Plaintiff(s)

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A TWELVE PERSON JURY IS DEMANDED